



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 7, 2011

Laura Godette
Freedom of Information Officer
Village of Tinley Park
16250 S. Oak Park Ave.
Tinley Park, IL 60477

RE: Pre-Authorization Request — 2011 PAC 12547

Dear Ms. Godette:

We have received and reviewed the written notice from the Village of Tinley Park of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

Tom Duffy of Gutter Piller, Inc. submitted a FOIA request dated February 18, 2011, seeking police report number 10-28783. In its written notice, the Village asserted that dates of birth are exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

Section 7(1)(c) of FOIA exempts from inspection and copying "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). The exemption defines "[u]nwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." *Id.*

The Village's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. Therefore, the Village has met its initial burden demonstrating that the redacted information is exempt under Section 7(1)(c). As such, the Village may issue a partial denial letter directly to the requester and release the records with the

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appropriate information redacted.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

A handwritten signature in cursive script that reads "Amalia Rioja" followed by a set of initials "by: AA".

Amalia Rioja
Acting Public Access Counselor

cc: Tom Duffy
Gutter Piller Inc.
18470 Thompson Court
Tinley Park, IL 60477

12547 preauth at 71c dob pd